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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/855,156

05/14/2001

Lee Goodman

74120-301394

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07/10/2006

FAEGRE & BENSON LLP
PATENT DOCKETING
2200 WELLS FARGO CENTER
MINNEAPOLIS, MN 55402

EXAMINER

LEE, CHI HO ANDREW

ART UNIT

PAPER NUMBER

2616

DATE MAILED: 07/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/855,156

Applicant(s)

GOODMAN, LEE

Examiner

Andrew Lee

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Last Office Action is hereby incorporated by reference.
2. Applicant's arguments filed 4/27/06 have been fully considered but they are not persuasive.

Re Claims 1, 10, 13, 15, Applicant argues that Randic (U.S. Patent Number 6,275,797) fails to teach, "answering a test call...by playing a voice file".

Examiner disagrees.

Re Claims 1, 10, 13, 15, fig. 1 teaches computer 1 transmitting a voice test file, embedded/encapsulated in packets, to Computer 2 to be tested. When Computer 2 receives the voice test file, this is "answering a test call". The claims limitation does not limit how "a test call" must be answered. As long as Computer 2 can receive the test file for quality determination, it is enabling "to answer a test call". Furthermore, once the test file is received, Computer 2 processes the "voice test file". This is equivalent to "playing a voice file". Again, the claims limitation does not limit how "a voice file" must be played. As claim limitations must be given broadest, reasonable interpretation in light of specification. Limitations appearing in the specification but not recited in the claim are not read into the claim, In re Morris, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Hence, "answering a test call...by playing a voice file" is anticipated by Randic.

Re Claims 8, 10, 14, Applicant argues that, "using the test probe that placed the test call to measure the voice call listening quality" is not found in Randic.

Examiner disagrees.

The "Voice test file" is the "a test probe to place the test call". Applicant has failed to distinguish the difference between the "voice test file" and "a test probe to place the test call". As long as, the "voice test file" is used to initiate voice quality determination, it is functionally equivalent, wherein once the voice quality factor is determined using the "voice test file", the "voice call listening quality" is determined. (See MPEP 2184).

Re Claims 3-5, Applicant argues that "PAMS and PSQM are based on a perceptual model that takes into perceptually important to a human listener" and incompatible with AVR of Randic.

However, Examiner disagrees.

Randic also teaches that the "voice test file" can also be a voice input directly by an operator to subscriber 33 and 34 through a microphone (See col. 4, lines 11-20). Since, the voice input can be a voice of the subscriber directly, it is compatible with the PAMS and PSQM for combining and does not teaches away from combination.

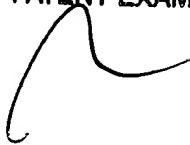
3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Lee whose telephone number is 571-272-3130. The examiner can normally be reached on Monday to Friday from 8:30AM to 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on 571-272-3134. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ANDREW C. LEE
PRIMARY PATENT EXAMINER

A handwritten signature in black ink, appearing to be 'A. Lee', written below the printed name and title.